

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

JUSTIN D. WATSON)	
)	
Petitioner,)	
)	
v.)	Case No. 19-00786-CV-W-HFS
)	Crim. Case 17-00103-CR-HFS
UNITED STATES OF AMERICA)	
)	
Respondent.)	

ORDER

Petitioner has filed a motion seeking to set aside the judgment in this case pursuant to 28 U.S.C. § 2255. Specifically, defendant contends that his conviction under Count Two for using a firearm during and in relation to a “crime of violence” in violation of 18 U.S.C. § 924(c)(1)(A), with the underlying “crime of violence” being conspiracy to commit kidnapping.

The Government concedes that defendant's conviction and sentence as to Count Two violates the Supreme Court's ruling in United States v. Davis, 139 S.Ct. 2319 (2019), and is invalid.

Accordingly, it is hereby

ORDERED that defendant's motion to set aside judgment (Doc. 2) is GRANTED. The judgment as to Count Two is VACATED and the conviction is DISMISSED. It is further

ORDERED that the Probation Office prepare an addendum to the presentence investigation report, within sixty days, addressing any changes to the advisory Sentencing Guidelines calculations. A hearing for re-sentencing on Count One shall be scheduled when appropriate.

s/ HOWARD F. SACHS

HOWARD F. SACHS
UNITED STATES DISTRICT JUDGE

September 9, 2020

Kansas City, Missouri

